

Information regarding Initial and Annual Registration of Prepaid Legal Services Plans

The North Carolina State Bar is charged with registering prepaid legal services plans (hereafter, prepaid plans) in North Carolina. A prepaid plan must be registered with the North Carolina State Bar before it can operate in North Carolina and before a North Carolina licensed attorney can provide legal services to participants in the prepaid plan. (See North Carolina General Statute Section 84-23.1)

The initial registration process for prepaid plans is as follows:

1. An initial registration form must be submitted to the North Carolina State Bar's Authorized Practice Committee, in care of its Prepaid Plans Counsel, P.O. Box 25908, Raleigh, NC 27611. The initial registration form can be found on this website.
2. The plan's initial registration will be reviewed by the Authorized Practice Committee at the first quarterly meeting (January, April, July, and October) following the State Bar's receipt of the plan's initial registration information.
3. The deadlines for submitting the initial registration form and a \$100.00 initial registration fee are November 15 for the January quarterly meeting, February 15 for the April quarterly meeting, May 15 for the July quarterly meeting, and August 15 for the October quarterly meeting. If all initial registration information is not received at the State Bar's office by the aforementioned deadline for a quarterly meeting, the plan's initial registration will be considered at the next scheduled quarterly meeting of the Authorized Practiced Committee.
4. The plan must submit attorney certifications for each participating attorney in its plan. An attorney certification is attached to the initial registration form.
5. The plan's initial registration information is considered incomplete if all attorney certifications are not submitted at the time the plan files its initial registration form.
6. The Authorized Practice Committee and its subcommittee will consider only complete initial registration packages.
7. The initial registration materials are submitted to a subcommittee of the Authorized Practice Committee. The subcommittee reviews the material and makes a recommendation to the full Authorized Practice Committee as to whether the plan meets the definition of a prepaid legal services plan, as set out in 27 North Carolina Administrative Code, Subchapter 1E, Section .0310 of the North Carolina State Bar's Rules Concerning Prepaid Legal Services, and should be registered as a prepaid plan in North Carolina.
8. The plan will be notified of the subcommittee's recommendation with respect to whether the plan is or is not a prepaid plan pursuant to the State Bar's definition. If the subcommittee's recommendation is that the plan is not a prepaid plan

pursuant to the State Bar's definition, the plan will be allowed to present its position as to whether it is a prepaid plan pursuant to the State Bar's definition, either in writing, or by a representative of the plan who may appear before the Authorized Practice Committee for a brief presentation.

9. The Authorized Practice Committee considers the subcommittee's recommendation and decides whether the plan is a prepaid plan under the State Bar's definition, and whether the plan should be registered as a prepaid plan. The Authorized Practice Committee's decision is communicated to the plan after the quarterly meeting.
10. The Authorized Practice Committee may determine that the plan is not a prepaid plan pursuant to the State Bar's definition. The plan will be given one opportunity to make revisions to meet the State Bar's definition of a prepaid plan. If after reviewing the revised plan, the Authorized Practice Committee again denies the plan's request for registration, that decision will be communicated to the plan. Any additional requests to register the plan with the North Carolina State Bar shall require the submission of a new initial registration form and payment of another initial registration fee.
11. The initial registration fee will be refunded if the Authorized Practice Committee determines the plan is not a prepaid plan, or if the plan fails to comply with any of the State Bar's rules and procedures regarding the initial registration of prepaid plans.
12. North Carolina General Statute Section 84-23.1 requires all prepaid plans that are registered with the North Carolina State Bar to submit its plan information to the North Carolina Department of Insurance for a determination of whether the prepaid plan should be regulated by the North Carolina Department of Insurance.

The annual registration process for prepaid plans is as follows:

1. Annual registration forms are mailed to registered prepaid plans in early to mid-December of each year.
2. The annual registration form and an annual registration fee of \$100.00 are due on or before January 31.
3. The Prepaid Plans Counsel will review the prepaid plan's annual registration material to determine whether all annual registration information and the annual registration fee are received.
4. The prepaid plan will be notified of its compliance with the annual registration procedures.
5. The prepaid plan will be notified of its failure to comply with the annual registration procedures and given one additional opportunity to comply with them. If the State Bar does not receive the requested information as set out in the notice to the prepaid plan, the State Bar will notify the prepaid plan and its

participating attorneys that the participating attorneys can no longer provide legal services in the prepaid plan.

6. The State Bar will publish on its website and in its official publication the names of the plans that did not comply with the annual registration requirements.

INITIAL REGISTRATION OF PREPAID LEGAL SERVICES PLAN

Pursuant to N.C.G.S. Section 84-23.1(b), all organizations offering prepaid legal services shall register the plans with the North Carolina State Bar Council on forms provided by the Council. Each plan shall be registered prior to its implementation or operation in North Carolina.

Please provide complete responses to each of the following items. If more space is needed to respond to an item, attach additional sheets of paper.

1. PLAN

a) Name of Plan: _____

b) Administrator or Principal Officer:

(Name)

(Title)

c) Principal Place of Business:

Street: _____

City: _____ State: _____

Room/Suite: _____ Zip: _____

d) Area Code, Phone No.: _____

e) If not in North Carolina, principal North Carolina place of business:

Street: _____

City: _____ State: _____

Room/Suite: _____ Zip: _____

f) Area Code, Phone No.: _____

2. SPONSORING ORGANIZATION(S):

- a) Name: _____
- b) Principal Officer: _____
Title: _____
- c) Employer's Identification: _____
- d) Principal Place of Business:
Street: _____
City: _____ State: _____
Room/Suite: _____ Zip: _____
- e) Area Code, Phone No.: _____
- f) If not in North Carolina, principal North Carolina place of business:
Street: _____
City: _____ State: _____
Room/Suite: _____ Zip: _____
- g) Area Code, Phone No.: _____

3. Names, addresses, and telephone numbers of attorneys rendering legal services through the plan. **A separate signed and notarized certification must be included for each attorney listed.**

4. Attach to the report the following:

- a) Schedule of Benefits and Schedule of Fees
 - b) The agreement or contract between the organization and participating attorneys in the plan
 - c) Sales brochures or pamphlets describing the plan and all advertisements relating to the plan
 - d) A signed, notarized certification from each listed participating attorney
5. Please answer fully the following questions regarding whether the plan is a prepaid legal services plan as defined by 27 N.C.A.C. Subchapter 1E, Rule .0301. Attach additional sheets of paper if necessary.
- a) Does the plan, in exchange for any valuable consideration, offer to provide or arrange the provision of legal services that are paid for in advance of the need for the service (“covered services”)? _____ Yes _____ No
 - b) If the answer to question “a” is “yes”, list each covered service below.
 - c) Does the plan provide specified legal services at fees that are less than what a non-member of the plan would normally pay? _____ Yes _____ No
 - d) If the answer to question “c” is “yes”, list the discounted legal services below.
 - e) Are the legal services offered by the plan provided by North Carolina licensed lawyers? _____ Yes _____ No
 - f) Are those North Carolina licensed lawyers employers, directors, or owners of the plan? _____ Yes _____ No

6. DECLARATION:

I have read the foregoing form and examined the attachments. All statements and attachments are true and correct to the best of my knowledge. An initial registration fee in the amount of \$100.00, made payable to the North Carolina State Bar, is enclosed.

I have read the rules regarding prepaid plans adopted by the State Bar Council and agree to comply with all those rules.

I understand that registration of the plan does not constitute approval by the State Bar. I agree that if the plan represents that it is registered with the State Bar it also shall include in close proximity to that representation and in the same size and color type a statement that registration does not mean approval by the State Bar. I understand that the plan is responsible for assuring its compliance with all pertinent laws, including the prohibition on the unauthorized practice of law in North Carolina General Statutes Section 84-2.1-10.

I agree to file with the State Bar any amendments to the plan no later than thirty days after the adoption of the amendments.

I will file with the State Bar an annual registration report of the plan's activities by January 31 of each year hereafter.

Date

Signature of Person Filing Form

Typed name

Title

Address

Telephone Number

**Attorney Certification for Participation
in Prepaid Legal Services Plan**

I, _____, am an attorney participating in _____,
which is registered with the North Carolina State Bar as a prepaid legal services plan. I am not an
employee, director, or owner of the plan.

I understand that registration does not constitute approval by the State Bar.

I certify that I have read the provisions of Revised Rule 7.3(d) and understand my professional
obligations regarding participation in the plan. I understand that I must investigate and have a
good faith belief that the plan is being operated in compliance with the Rules of Professional
Conduct and all other pertinent rules of the State Bar. The Rules of Professional Conduct require,
among other things, that as an attorney participating in the plan, I can do the following: maintain
professional independence; preserve the confidences of clients; avoid conflicts of interest; not
improperly share fees; not aid the unauthorized practice of law; and comply with the rules on
advertising and solicitation.

Attorney's printed name

Attorney's NC bar number

Attorney's address

Attorney's phone number

Attorney's signature

NORTH CAROLINA

_____ COUNTY

Sworn to and subscribed before me

this the _____ day of _____, 20____.

Notary Public

My commission expires: